IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

Crl.MC.No. 1080 of 2007()

---

CRA.70/2007 of ADDL. SESSIONS COURT-II, MAVELIKKARA

.....

PETITIONER/APPELLANT:

---

SINTHA MAHENDRAN, D/O.PADMINI AMMA,
MANI BHAVAN, KANNAMPALLY BHAGAM,
KEERIKKADU VILLAGE FROM ALAMPALLIL VEEDU,
PAYIKKUZHI MURI, OACHIRA.

BY ADV. SRI.B.RENJITHKUMAR

RESPONDENTS/RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. SAJI, S/O.SATHEESAN, AGED ABOUT 30
YEARS, SAJI BHAVANAM, PUTHUPPALLY, VADAKKUM MURI,
PUTHUPPALLY VILLAGE.

R1 BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

- - - - - - - - - - - - - - - - - - - - - -

Crl.M.C.No. 1080 of 2007

- - - - - - - - - - - - - - - - - - - - - -

Dated this the 12th day of April, 2007

**O R D E R**

This order must be read in continuation of the order dt. 3.4.2007. The report of the learned Magistrate has been received. The learned Magistrate reports that the petitioner had never appeared before the learned Magistrate along with a copy of the order of suspension passed by the learned Sessions Judge. The learned counsel for the petitioner submits that the petitioner shall forthwith appear before the learned Magistrate and execute the bond as directed by the learned Sessions Judge. The petitioner is granted time till 19.4.2007 to appear before the learned Magistrate and execute the bond. The sentence against him shall not be executed till that date.

2. This Crl.M.C. is accordingly allowed in part to the above extent.

**(R. BASANT)**
Judge

tm

**R.BASANT, J.**

**----------**

**Crl.M.C.NO.1080 OF 2007**

**----------**

Dated this the 3rd day of April, 2007.

**ORDER**

The grievance of the petitioner is strange. He has been found guilty, convicted and sentenced in a prosecution under Section 138 of the N.I Act. He has preferred an appeal. The appellate court has admitted the appeal and suspended the sentence on conditions. According to the petitioner, when he went before the learned Magistrate to execute the bond in compliance with the order passed by the learned Sessions Judge, the learned Magistrate is refusing to permit him to execute the bond on the specious plea that the records have already been forwarded to the appellate court. To say the least, I am

surprised with the nature of the submissions made. It was for the petitioner to file a proper application before the learned Magistrate and insist on appropriate order. Instead of doing that, the petitioner has come to this Court lamenting about the Magistrate not permitting him to execute the bond.

2. Call for a report from the learned Magistrate as to whether this allegation is true and why the learned Magistrate does not permit the petitioner to comply with the order of the appellate court. The report of the learned Magistrate must reach this Court by 12.04.2007.

Crl.M.Appl.No.1804 of 2007

The sentence on the petitioner shall not be executed till 12.04.2007.

Hand over a copy of this order to the learned counsel for the petitioner.

**R.BASANT**
**JUDGE**

rtr/